IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

LA.App..No. 71 of 2003(C)

LAR.298/1999 OF ADDL.SUB COURT, NORTH PARAVUR.
.....

APPELLANT/ADDL.2ND RESPONDENT:

KOCHI INTERNATIONAL AIRPORT SOCIETY,
REP. BY ITS MANAGING DIRECTOR, ANGAMALY.

BY ADV. SRI.N.N.SUGUNAPALAN.

RESPONDENTS/CLAIMANT & 1ST RESPONDENT:
----

1. **ANTONY, S/O. KURUVILA,**
   PARAVOORKKARAN ALIAS PADAYATTY, NAYATHODE.

2. **STATE OF KERALA,**
   REP. BY DISTRICT COLLECTOR, ERNAKULAM,
   ERNAKULAM DISTRICT.

BY ADV. SRI.A.X.VARGHESE,
ADV. SMT.ROSE MICHAEL,
GOVT. PLEADER SMT. K.R. DEEPA.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 22/10/2007,ALONG WITH L.A.A. NO. 697/2001 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A Nos. 71, 777,931,1192 & 1276 of 2003
and
L.A.A.Nos.118, 119, 740 and 859 of 2004

Dated this the 1st day of July 2008

JUDGMENT

Kurian Joseph,J

These are appeals filed by the State as well as the requisitioning authority viz. Kochi International Airport Society aggrieved by the fixation of land value. These appeals were heard along with L.A.A. 718/2003 and connected cases except L.A.A. 777/2003 This Court found that there was no proper discussion with regard to the evidence available on record. It was also found that L.A.A. 1532/2005 had already been remanded for identical reasons. Therefore these cases were also remanded to the reference court for fresh consideration. It is also seen from the endorsement on the files that the cases were actually remanded. But unfortunately the judgment shows that the cases were disposed of granting 45% enhancement over and above the value fixed by the Land Acquisition Officer. Actually this Court intended to remand the above said cases. Apparently an error has crept in the judgment. Hence we recall the judgment dated 22.10.2007 in all the above cases and the judgment dated 18.2.2008 in L.A.A. 777/2003

As already referred to above the dispute is with regard to the enhancement of the land value. It is not in dispute that all similar cases have been remitted to the reference court with liberty to the parties to

adduce fresh evidence. Therefore we set aside the judgment and decree in all these cases and the matters are remitted to the reference court for fresh consideration with liberty to the parties to adduce fresh evidence. The parties shall appear before the reference court on 11.8.2008. The appellants in L.A.A. Nos. 71/2003, 931/2003, 1192/2003 and 777/2003 will be entitled to refund of the court fee already paid, in view of the remand.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

es